

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

August 17, 2005

A regular meeting of the New Hampshire Board of Pharmacy was held on **August 17, 2005** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:08 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Sandra B. Keans, Secretary
Vahrij Manoukian, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Carl T. Kelly,
Compliance Investigator

ABSENT

Peter A. Grasso, Chief Compliance Investigator

II. REVIEW/ADOPTION OF MINUTES

Minutes of the **July 20, 2005 regular meeting** of the Board were accepted as submitted. **(Manoukian/Genovese). Voted (unanimous).**

Minutes of a **telephone poll** conducted on **August 1, 2005** were ratified as amended. **(Petrin/Bowersox). Voted (unanimous).**

Minutes of the **August 3, 2005 special meeting** of the Board were accepted as submitted. **(Manoukian/ Bowersox). Voted (unanimous).**

III. LICENSING

A. **Pharmacists**

1. Disciplinary Hearing

a. **EL-ALI, Mona**
Nashua, NH

- NH License No. R1784
- Case File: ROI 26/05

Notice of Hearing issued July 22, 2005.
Failure to respond to continuing education audit.

Hearing rescheduled to September 14, 2005 meeting of the Board.

2. Voluntary Surrender

a. **BEAL, Frederick C.**

Lakeville, MA

- NH License No. 2125
- Case File: ROI 28/05

Motion (Bowersox/Keans) to accept the voluntary surrender of Mr. Beal's NH pharmacist license effective immediately. Voted (passed – Commissioner Manoukian abstained).

b. **MAZEJKA, Steven J.**

Rindge, NH

- NH License No. R1080
- Case File: ROI 29/05

Motion (Manoukian/Bowersox) to accept the voluntary surrender of Mr. Mazejka's NH pharmacist license effective immediately. Voted (unanimous).

c. **SIMONETTI, Dino P.**

Salem, MA

- NH License No. 2429
- Case File: ROI 24/05

Motion (Petrin/Keans) to accept the voluntary surrender of Mr. Simonetti's NH pharmacist license effective immediately. Voted (passed – Commissioner Manoukian abstained).

d. **TREMO, Gregory S.**

Portsmouth, NH

- NH License No. R1596
- Case File: ROI 25/05

Motion (Bowersox/Genovese) to accept the voluntary surrender of Mr. Tremo's NH pharmacist license effective immediately. Voted (passed – Commissioner Manoukian abstained).

3. Request for Voluntary Surrender

a. **SALEMA, Kelly S.**

Derry, NH

-NH License No. R1347

-Case File: ROI 27/05

No action required at this time. Voluntary surrender – May 23, 2005.

b. **FRAULINI, Michael M.**

Franklin Furnace, OH

Alternate Address: Nashua, NH

-NH License No. R1898

-Case File: ROI 30/05

No action required at this time. Voluntary surrender under supervision and will proceed accordingly for Board review and vote at a later date.

B. Pharmacy

New

1. **STOP & SHOP PHARMACY #204**

137 Portsmouth Avenue

Exeter, NH 03833

Pharmacist-In-Charge: Christina Lunt, R.Ph.

NH Pharmacist License No. R1782

Corporate Officer/Supervisor: Joe Angileri, R.Ph.

Regional Pharmacy Manager

Rescheduled to September 14, 2005 meeting of the Board.

2. **STOP & SHOP PHARMACY #215**

365 Lincoln Street

Manchester, NH 03103

Pharmacist-In-Charge: Richard Tomeo, R.Ph.

NH Pharmacist License No. R1872

Corporate Officer/Supervisor: Joe Angileri, R.Ph.

Regional Pharmacy Manager

Application complete.

Motion (Keans/Bowersox) granting a temporary permit to Stop & Shop Pharmacy #215 located at 365 Lincoln Street, Manchester, NH based upon the successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

3. TEAMSTERS Rx PHARMACY

51 Goffstown Road
Manchester, NH 03102

Pharmacist-In-Charge: Lisa M. Lambert-Dimick, R.Ph.
NH Pharmacist License No. 2503

Corporate Officer/Supervisor: Daniel J. Sullivan
Pharmacy Consultant

Motion (Keans/Petrin) granting a temporary permit to Teamsters Rx Pharmacy located at 51 Goffstown Road, Manchester, NH based upon the successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

IV. COMPLIANCE UNIT

A. Activity Report

- July 2005

Motion (Genovese/Bowersox) to accept the report as submitted. Voted (passed – Commissioner Manoukian abstained).

V. OLD BUSINESS

Electronic Transmission of Prescriptions in New Hampshire

In a previous opinion (July 28, 2004) the Board advised that ‘*end-to-end*’ electronic prescribing of prescription drugs, when permitted, must be transmitted directly from the prescriber to the dispensing pharmacy. Further, if a *gateway* or *switching station* receives the prescription after it is electronically launched by the prescriber and before it arrives at the dispensing pharmacy, the pharmacist must validate the

prescription by telephoning the prescriber.

The Board reviewed and reconsidered its opinion rendered on July 28, 2004 at noted above and on motion (Petrin/Bowersox) vacated that directive and, in lieu, the Board now holds that provided that the electronic prescription message created by the prescriber's electronic prescribing system is routed to an electronic transmission intermediary for formatting purposes only (according to NCPDP specifications) and then forwarded directly to the chosen pharmacy ... there is no need for the receiving pharmacist to call the prescriber to authenticate the prescription. Voted (unanimous).

However, while rendering its revised opinion, the Board cautions, that if the receiving pharmacist is uncomfortable with the authenticity of the prescription, he/she should call the prescriber to verify the transmission before dispensing. Further, while the Board recognizes the switching station functions for formatting the elements of an electronic prescription, it does not recognize electronic "clearinghouse/gateway" programs that attempt to alter prescription product and/or dosing regimens.

VI. NEW BUSINESS

A. Request for Waiver

HANNAFORD BROS. CO.

Portland, ME

-Mark L. Polli, R.Ph., Director, Pharmacy Professional Services

Request for waiver of Ph 303.02(k) which requires all drug order deliveries containing prescription drugs to be delivered (to a pharmacy located in NH) only when the prescription department is open and/or a licensed pharmacist is on the premises in order to secure such drug orders.

Motion (Petrin/Manoukian) to grant a limited waiver of Ph 303.02(k) of the NH Code of Administrative Rules, applicable only to specific (individual) NH Hannaford Pharmacy locations where compliance with guidelines (as established and approved by this motion - below) is assured. Voted (unanimous).

Guidelines for Limited Waiver of Ph 303.02(k)

In order to assure the security and integrity of drug orders containing prescription drugs delivered to pharmacies when the prescription department is not open and/or a licensed pharmacist is not on the premises:

1. *A totally enclosed area, which includes overhead security (a "cage"), that is lockable may be utilized for the interim storage of prescription drug*

orders arriving at the pharmacy.

- 2. The "cage" must be inspected and approved (in writing) by the Board or its agents.*
- 3. The custody of the key to the "cage" (by non-pharmacist personnel) shall be assigned by the pharmacist-in-charge.*
- 4. All totes containing prescription drugs shall be affixed with numbered seals.*
- 5. There shall be a "Chain of Custody" for **all** incoming shipments.*
- 6. "Chain of Custody" documentation shall be in the form of a log, and contain the following information:*
 - a. Date and time of delivery;*
 - b. Number of totes (count);*
 - c. List of seal numbers;*
 - d. Signature of delivery person **and** signature of receiving person.*
- 7. The delivery is then locked in the caged area.*
- 8. Upon arrival of the pharmacist, he/she shall:*
 - a. Retrieve the order;*
 - b. Verify the number of totes;*
 - c. Verify the seal numbers;*
 - d. Verify that the order has not been tampered with.*
- 9. Upon verification of the drug order(s), the pharmacist shall affix to the "Chain of Custody" log:*
 - a. His/her signature;*
 - b. Date the order was retrieved (if applicable).*
- 10. These records shall be maintained and readily retrievable at the pharmacy for a period of 2 years.*

B. Rulemaking

Collaborative Practice for Emergency Contraception

Members of the Board finalized the review of the interim rule (Chapter Ph 1000 EMERGENCY CONTRACEPTION)

Motion (Manoukian/Keans) to approve the proposed interim rule (Chapter 1000) as drafted and to submit to the Joint Legislative Committee on Administrative Rules (JLCAR). Voted (unanimous).

VII. ADJOURNED 1:10 P.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD